

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DENISE ABBOT,	:	Civil No. 11-421 (GEB)
Plaintiff,	:	
v.	:	OPINION AND ORDER
VERIZON COMMUNICATIONS,	:	
Defendant.	:	

Plaintiff Denise Abbott (“Plaintiff”), having submitted a complaint in the above captioned matter, and it appearing that:

1. The Clerk will not file the complaint unless the person seeking relief pays the entire applicable filing fee in advance or the person applies for and is granted *in forma pauperis* status pursuant to 28 U.S.C. § 1915. *See* Local Civil R. 5.1(f).
2. The filing fee for commencing a civil action in this court is \$350.00. *See* 28 U.S.C. § 1914(a).
3. Plaintiff did not prepay \$350.00; rather, she submitted her application to proceed in this matter *in forma pauperis*, pursuant to 28 U.S.C. § 1915 (“Application”).
4. In making such an application, a plaintiff must state the facts concerning his or her poverty with some degree of particularity, definiteness or certainty. *United States ex rel. Roberts v. Pennsylvania*, 312 F. Supp. 1, 2 (E.D. Pa. 1969) (finding affiant’s application legally insufficient where the application failed to state the facts of affiant’s poverty with any degree of particularity, definiteness or certainty) (citing *United States v. Coor*, 213 F. Supp. 955, 956

(D.D.C. 1963), *rev'd on other grounds*, 325 F.2d 1014 (D.C. Cir. 1963); *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960)).

5. In her Application, Plaintiff stated that she is currently unemployed; that she receives \$2,336.00 per month in unemployment benefits; that at the time of filing she had \$1,900.00 in her checking account at Bank of America; that she lists as assets owned by her as her home with equity value of \$139,000.00 and a motor vehicle worth approximately \$17,000.00; that her twenty-three year old son is dependant upon her for support; that her monthly expenses include a mortgage payment including real estate taxes and property insurance of \$1,842.00, utilities of \$200.00, and food of \$200.00, transportation of \$598.00, and car insurance of \$175.00. (Doc. No. 1-2.) The Court notes that Plaintiff indicates the amount of her monthly expenses totals \$2,632.00.

6. Plaintiff also asserts that she has paid an attorney to assist her with respect to this matter in the amount of \$340.00. In addition, Plaintiff indicates that she plans to pay an expert in computer forensics in support of her claim, in an amount to be determined. (Doc. No. 1-2.) The Court finds that Plaintiff was able to pay an attorney for his or her services and indicates that she plans to pay an expert during the course of the litigation, the cost of which is unknown, and that has a number of assets, including cash in a checking account. Therefore, the Court concludes that Plaintiff should not be granted *in forma pauperis* status.

IT IS THEREFORE on this 31st day of March, 2011, hereby
ORDERED that Plaintiff's application to proceed *in forma pauperis* is DENIED without
prejudice.

s/ Garrett E. Brown, Jr.
GARRETT E. BROWN, JR., U.S.D.J.